

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

REBECCA GOTTSCHALK,

Plaintiff(s),

v.

FIRST CONTACT LLC,

Defendant(s).

Case No. 2:20-CV-1307 JCM (DJA)

ORDER

Presently before the court is defendant First Contact LLC's ("First Contact") motion to dismiss for lack of personal jurisdiction. (ECF No. 7). Plaintiff Rebecca Gottschalk did not respond prior to First Contact's notice of suggestion on pendency of bankruptcy and automatic stay of proceedings. (ECF No. 10).

Gottschalk alleges that debt collector First Contact called her 424 times from October to December 2018, in violation of the TCPA, FDCPA, and Nevada state law, to collect on a debt she owed to Credit One Bank. (Compl., ECF No. 1 at 5). First Contact moved to dismiss this case under Fed. R. Civ. P. 12(b)(2) on September 9, 2020. (ECF No. 7). On September 11, 2020, First Contact filed a notice of suggestion on pendency of bankruptcy and automatic stay of proceedings, informing the court that iQor Holdings Inc. and twenty-two of its U.S. affiliates—including First Contact—filed voluntary petitions under Chapter 11 of Title 11, Section 362 of the U.S. Bankruptcy Code. (ECF No. 10).

Under 11 U.S.C. § 362(a), the filing of a bankruptcy petition automatically stays "the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the [bankruptcy] case." 11 U.S.C. § 362(a). The statute also stays "any


1 act to collect, assess, or recover a claim against the debtor that arose before the  
2 commencement of the [bankruptcy case].” *Id.* at § 362(a)(6). The scope of the automatic  
3 stay is to be broadly construed, and exemptions to the stay are to be narrowly construed.  
4 *Burton v. Infinity Capital Mgmt.*, 862 F.3d 740, 746–47 (9th Cir. 2017); *Sternberg v.*  
5 *Johnston*, 595 F.3d 937, 943 (9th Cir. 2010).

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant First  
8 Contact LLC’s motion to dismiss (ECF No. 7) be, and the same hereby is, DENIED without  
9 prejudice.

10 IT IS FURTHER ORDERED that the instant action is STAYED pending the final  
11 resolution of *In re iQor Holdings Inc.*, Case No. 20-34500 (DRJ), in the United States  
12 Bankruptcy Court for the Southern District of Texas. First Contact LLC shall notify the  
13 court within 30 days after the automatic stay is lifted.

14 DATED October 26, 2020.

15   
16 UNITED STATES DISTRICT JUDGE